



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/509,153

09/28/2004

Wai Yip Wai Wong

6018

5039

7590

12/14/2006

Eric Chan
42 Pin Oaks Drive
Phoenixville, PA 19460

EXAMINER

LEE, LAURA MICHELLE

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/509,153

Applicant(s)

WONG, WAI YIP WAI

Examiner

Laura M. Brean

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/28/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The

Art Unit: 3724

disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it exceeds 150 words and refer to purported merits and speculative applications. Correction is required. See MPEP § 608.01(b).

3. The disclosure is objected to because of the following informalities:

On pages 2-3, paragraphs [0008, 0009, 0010, 0011, 0012] of the specification, the phrase "The said safe knife" should be changed to -- The safe knife--.

Appropriate correction is required.

Information Disclosure Statement

4. The listing of references in the Search Report is not considered to be an information disclosure statement (IDS) complying with 37 CFR 1.98. 37 CFR 1.98(a)(2) requires a legible copy of: (1) each foreign patent; (2) each publication or that portion which caused it to be listed; (3) for each cited pending U.S. application, the application specification including claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion, unless the cited pending U.S. application is stored in the Image File Wrapper (IFW) system; and (4) all other information, or that portion which caused it to be listed. In addition, each IDS must include a list of all patents, publications, applications, or other information submitted for consideration by the Office (see 37 CFR 1.98(a)(1) and (b)), and MPEP § 609.04(a), subsection I. states, "the list ... must be submitted on a

Art Unit: 3724

separate paper." Therefore, the references cited in the Search Report have not been considered. Applicant is advised that the date of submission of any item of information or any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the IDS, including all "statement" requirements of 37 CFR 1.97(e). See MPEP § 609.05(a).

Claim Objections

5. Claims 1,2,4-6 are objected to because of the following informalities:

Claim 1, line 2, should be changed from "the sheath body movable in" to -- the sheath body and movable in--.

Claim 1, line 2, there is a lack of antecedent basis for the limitation "the front part of the sheath body."

Claim 1, line 3, there is a lack of antecedent basis for the limitation "the lower part of the push button"

Claim 1, line 4, there is a lack of antecedent basis for the limitation "the lower part of the blade support".

Claim 1, line 6, there is a lack of antecedent basis for the limitation "on the top of the blade support."

Claim 1, line 7, there is a lack of antecedent basis for the limitation "the top of the push button."

Claim 1, line10, there is a lack of antecedent basis for the limitation "the lower end of the sheath body."

Claim 1, line 11, there is a lack of antecedent basis for the limitation "the inner side of the sheath body.

Claim 2, lines 3-4, there is a lack of antecedent basis for the limitation "the opening of the sheath body."

Claim 4, lines 1-2, there is a lack of antecedent basis for the limitation "the rear part of the sheath body."

Claim 4, lines 2-3, there is a lack of antecedent basis for the limitation "the middle of the opening of the sheath body."

Claim 5, line 1, "a plurality of holes is" should be changed to -- a plurality of holes are--.

Claim 6, line 1, "is elongated holes" should be changed to -- are elongated--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 in lines 5-6, recites the limitation " inside the sheath body a positioning channel is disposed on the top " in lines 5-6. There is insufficient antecedent basis for this limitation in the claim. It is unclear on what top the positioning channel is disposed.

Is the applicant attempting to claim that the positing channel is disposed near the upper inner surface of the sheath body, or on top of another element disposed within the channel.

Regarding claims 2 and 3, the phrase "wedge- like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Davis (U.S. Patent 6,637,112). Figure 1 is provided below as an indicator of the various positional interpretations with regard to the Davis reference.

Davis discloses a safe knife sheath comprising a sheath body (handle, 12) and a blade support (keeper plate, 14); the blade support (14) is mounted inside the sheath body (12) and movable in a sliding motion; the front part of the sheath body has a push button (actuator button, 78); the lower part of the push button is connected to a

Art Unit: 3724

positioning element, (stub, 76); the lower part of the blade support has a positioning groove (slot, 56; that extends the entire length of the keeper plate, 14) corresponding to the positioning element (76); inside the sheath body (12), a positioning channel (indicated by P; Figure 10) is disposed on the top; on the top of the blade support (14) a positioning lobe (latch shoulders, 77/79) corresponding to the positioning channel (P) is disposed; the top of the push button (78) is connected to one end of a first reset spring (spring arm, 58; paragraph [0029]), and the other end of the first reset spring is fixed in the upper end of the sheath body; in the back of the blade support a trapezoidal piece (see Figure 2 below) is disposed; on the lower side of the trapezoidal piece a second reset spring (80) is disposed; one end of the second reset spring is fixed in the lower end of the sheath body and the other end is fixed on the inner side of the sheath body (see Davis Figure 1).

Figure 1

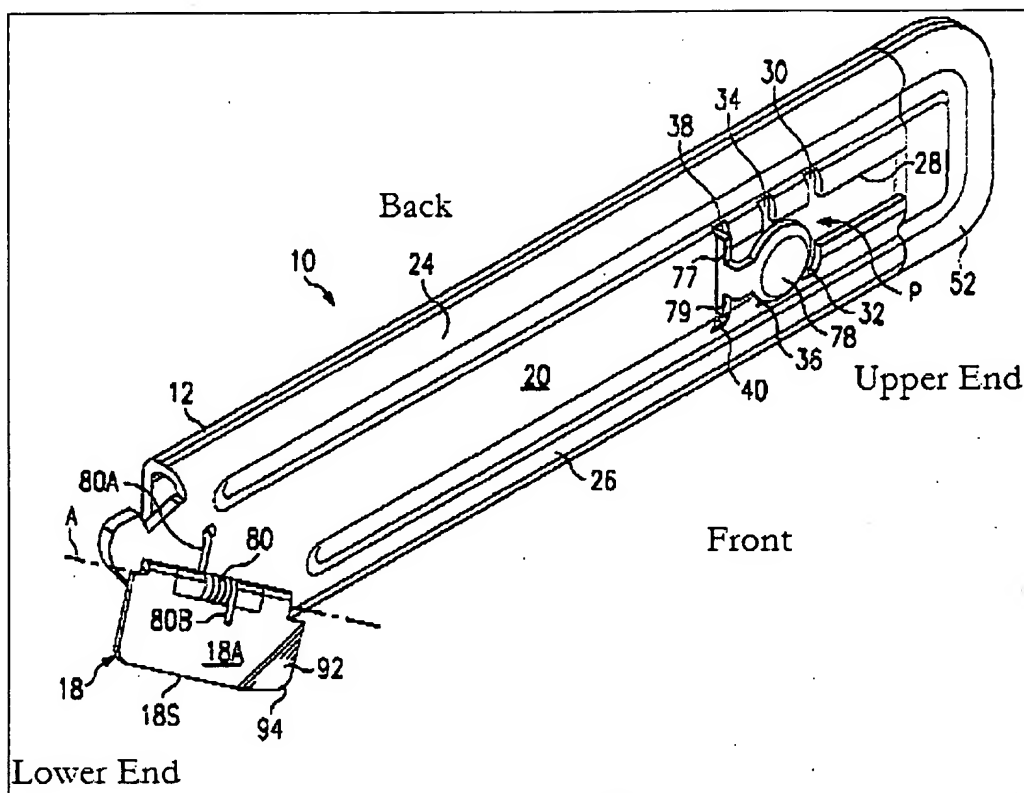
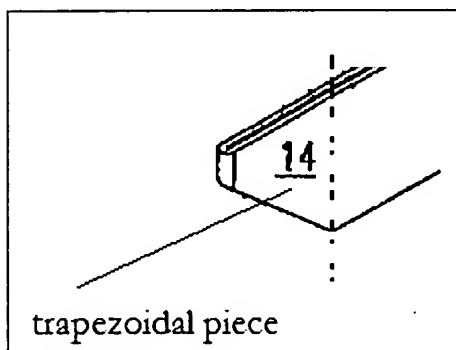


Figure 2



In regards to claim 2, Davis discloses wherein the lower part of the positioning element (76) is in a wedge-like shape (slanted; see Figure 10).

In regards to claim 3, Davis discloses wherein the positioning groove (56) comprises a locating piece (front of 14; near references 14A/14B) and a guiding piece (48/46) with a wedge-like surface, and the locating piece (14A/14B) is disposed in the lower part of the blade support in a position corresponding to the opening of the sheath body, and the guiding piece (46/48) with a wedge like surface is disposed (extends into) in the middle lower part of the blade support (14).

In regards to claim 4, Davis discloses wherein a semi-circular notch (notch that holds members 46 and 48 in cap 52) is disposed in the rear part (end cap 52), of the sheath body (12) and the semi-circular notch is disposed in the middle of the opening (near reference P) of the sheath body.

In regards to claim 5, Davis discloses wherein a plurality of holes (not numbered, the multiple legs of the C-shaped hole) is perforated in the front part of the sheath body.

In regards to claim 6, Davis discloses wherein the plurality of holes are elongated holes (see Davis Figures 1 and 2).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent 5,915,793 to Serpa, U.S. Patent 3,774,350 to Bayly, U.S. Patent 4,277,888 to Szabo, U.S. Patent 5,784,786 to Williams, U.S. Patent 6,138,363 to Kawashima, U.S. Patent 6,117,002 to Stokes et al, U.S. Patent 4,654,968 to Gatley et al., U.S. Patent 4,523,379 to Osterhout et al.

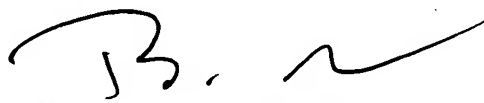
Art Unit: 3724

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura M. Brean whose telephone number is (571) 272-8339. The examiner can normally be reached on Monday through Friday, 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LMB
12/06/2006



BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER